

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1242 of 1999

and

SPECIAL CIVIL APPLICATION No. 1512 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? :

ARJUN AGRO CONSUMER SANSTHA

Versus

CHIEF DIVISIONAL MANAGER

Appearance:

MR RC JANI for Petitioner

MR GN SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/09/1999

COMMON ORAL JUDGEMENT

Heard Mr RC Jani with Mr HS Mulia, learned
counsel for the petitioners and Mr GN Shah, learned
counsel for the respondent.

2. The learned counsel for the parties invited the
attention of the Court to the order dated 16.7.1999
passed by a Division Bench of this Court in Misc. Civil
Application No. 1035 of 1999 in Letters Patent Appeal
No. 444 of 1999 with cognate matter and submit that the

similar order be passed in the present petitions also.

Rule. Mr GN Shah, learned counsel for the respondents waives service of Rule in each petition.

3. The petitioners herein are Agricultural Co-operative Societies. The respondents herein had given them permission for diesel retail outlets for sale of diesel. The petitioners were to sell the diesel to the members of the Co-operative Societies only. The respondents herein alleged that the petitioners had been selling diesel to persons other than the members of the Society and the supply was, therefore, stopped. Aggrieved by the said action, the petitioners have preferred the present petitions. The learned counsel for the petitioners state that for a long time supply of diesel has been stopped and, therefore, the petitioners are put to financial loss. The learned counsel for the respondents states that the matter is being examined by the Department and the Inquiry Commission is also appointed and the report of the Commission is expected.

4. Under the circumstances, following the aforesaid order dated 16.7.1999 of the Division Bench, this Court directs that the supply of petroleum products to the petitioners Co-operative Societies may be resumed within a period of two weeks i.e. on or before 20.9.1999 subject to the following conditions to be observed by the petitioners :-

(1) Consumer pumps must execute consumer pump agreements as per the standard format. In case it is not done within one month, they will not be entitled to supply of petroleum products from the concerned Oil Company and the concerned Oil Company will not supply petroleum products to the consumer.

(2) The consumer pumps which are public trusts will be converted into cooperative societies within two months, failing which they will not be entitled to any supplies of petroleum products and the concerned Oil Company will not supply petroleum products to the consumer pump till such conversion takes place.

(3) The consumer pumps will give an undertaking to the High Court to the following effect :-

(i) They will take only genuine agriculturists, farmers as members and

petroleum products will be sold to them only.

(ii) The consumer pump will, if required by the concerned Oil Company, change the layout format/get up of the consumer pump, if so desired by the concerned Oil Company, to distinguish it from a retail outlet.

(4) In the event of breach of any of the conditions, concerned consumer pump will not be entitled to the supply of petroleum products. The concerned Oil Company will not supply petroleum products pending an inquiry into the breach of the conditions committed by the consumer pumps.

(5) Those consumer pumps which, though sanctioned, have not been commissioned, will be commissioned by the concerned Oil Company after the receipt of the approval from the appropriate authority.

(6) This arrangement shall abide by the outcome of the inquiry by the Commission.

5. The petitioners shall give the aforesaid undertaking to this Court, that is in favour of the Registrar of this Court and the same shall be furnished by the petitioners within two weeks thereof.

6. Rule is made absolute in each of the petitions accordingly. No order as to costs.

Direct Service is permitted.

September 7, 1999 (M.S. Shah, J.)
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